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| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b> |  | ATTORNEY'S DOCKET NUMBER<br><b>6106-001/NP</b>                      |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/AU2003/000860</b>   |  | U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/519263</b> |
| INTERNATIONAL FILING DATE<br><b>03 July 2003 (3.07.2003)</b>  | PRIORITY DATE CLAIMED<br><b>04 July 2002 (4.07.2002)</b> |   |
| TITLE OF INVENTION METHOD, SYSTEM AND APPARATUS FOR MONITORING AND CONTROLLING DATA<br>TRANSFER IN COMMUNICATION NETWORKS               |  |   |
| APPLICANT(S) FOR DO/EO/US SMIDT, Jeffrey Raymond and HOLLIS, Arron  |  |   |

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Express Mail Transmittal (Label EV 570 162 145 US); Form 1449 with ISR and 1 cited reference; copy of IPER with 9 Annex sheets; copy of published Application WO/2004/006520; Return Postcard

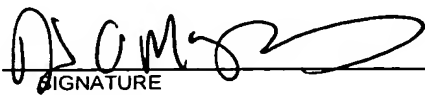
This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO-1390 (Rev. 12-2004)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|---|--------------|---|------------|---|-----------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/519263</b>   |              | INTERNATIONAL APPLICATION NO.<br>PCT/AU2003/000860                            |            | ATTORNEY'S DOCKET NUMBER<br>6106-001/NP   |                 |
| 21. The following fees are submitted:   |              |   |            | Applicant use   | Office use only |
| <input checked="" type="checkbox"/> a) Basic national fee..... \$300.00   |              |   |            | \$ 300.00   |                 |
| <input checked="" type="checkbox"/> b) Examination fee..... \$200.00  |              |   |            | \$ 200.00   |                 |
| <input checked="" type="checkbox"/> c) Search fee..... \$500.00   |              |   |            | \$ 500.00   |                 |
| TOTAL OF ABOVE CALCULATIONS = \$1000.00   |              |   |            | \$ 1,000.00   |                 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |   |            |   |                 |
| Total Sheets  | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE       |   |                 |
| 25 - 100 =  | -75 /50 =    |   | x \$250.00 | \$ 0.00   |                 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).  |              |   |            | \$ 0.00   |                 |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE       | \$  |                 |
| Total claims  | 29 - 20 =    | 9   | x \$50.00  | \$ 450.00   |                 |
| Independent claims  | 3 - 3 =      | 0   | x \$200.00 | \$ 0.00   |                 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$360.00 | \$ 0.00   |                 |
| TOTAL OF ABOVE CALCULATIONS =   |              |   |            | \$ 1,450.00   |                 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |   |            | \$ 725.00   |                 |
| SUBTOTAL =  |              |   |            | \$ 725.00   |                 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |   |            | \$ 0.00   |                 |
| TOTAL NATIONAL FEE =  |              |   |            | \$ 725.00   |                 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |              |   |            | \$ 0.00   |                 |
| TOTAL FEES ENCLOSED =   |              |   |            | \$ 725.00   |                 |
| Amount to be refunded:  |              |   |            |   | \$              |
| Amount to be charged  |              |   |            |   | \$              |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>725.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-0750</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> |              |   |            |   |                 |
| <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</b></p>  |              |   |            |   |                 |
| <p>SEND ALL CORRESPONDENCE TO:</p> <p>David A. McClaughry<br/>HARNESS, DICKEY &amp; PIERCE, P.L.C.<br/>P. O. Box 828<br/>Bloomfield Hills, MI 48303<br/>United States of America</p>  |              |   |            |   |                 |
|   |              |   |            | <p><br/>SIGNATURE</p> <p>David A. McClaughry<br/>NAME</p> <p>37,885<br/>REGISTRATION NUMBER</p> <p>Dated: December 22, 2004</p> |                 |

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No.: EV 570 162 145 US

Date of Deposit: 22 December 2004

Application No.: Not yet assigned – 371 of PCT /AU2003/000860

International  
Filing Date: 03 July 2003 (03.07.2003)

Applicant: SMIDT, et al.

Title: METHOD, SYSTEM AND APPARATUS FOR  
MONITORING AND CONTROLLING DATA  
TRANSFER IN COMMUNICATION NETWORKS

Attorney Docket: 6106-000001/NP

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Mail Stop PCT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450**EXPRESS MAIL TRANSMITTAL**

The following papers are being deposited with the United States Postal Service Express Mail Post Office To Addressee on 22 December 2004 and addressed for receipt by the United States Patent and Trademark Office:

1. Express Mail Transmittal (Label No. EV 570 162 145 US);
2. Check in the amount of \$725.00;
3. Transmittal Letter to the US Designated/Elected/Office Concerning a Filing Under 35 USC 371 (2 pages, in duplicate)
4. Application Data Sheet (3 pages);
5. Signed Declaration and Power of Attorney (3 pages);
6. IDS with Form 1449, ISR and 1 cited reference;
7. IPER with 9 Annex Sheets;
8. Copy of Published International Application WO/2004/006520; and
9. Return Receipt Postcard.

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